

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

RECALL DUNLEAVY, an
unincorporated association,

Plaintiff,

v.

Case No. 3AN-19-10903CI

STATE OF ALASKA, DIVISION OF
ELECTIONS, and GAIL FENUMIAI,
DIRECTOR, STATE OF ALASKA,
DIVISION OF ELECTIONS

Defendants.

AFFIDAVIT OF JAHNA M. LINDEMUTH

STATE OF ALASKA)
)
) ss.
THIRD JUDICIAL DISTRICT)

I, Jahna M. Lindemuth, being first duly sworn and deposed, hereby state as follows:

- 1) I am counsel for Plaintiff Recall Dunleavy in this case.
- 2) Recall Dunleavy's motion for an emergency expedited scheduling conference seeks a hearing **this Friday, November 8, 2019**, to address an expedited briefing schedule for this case. Plaintiff requests a schedule that results in oral argument the week of December 2, 2019, with a decision the following week.
- 3) I attempted to resolve this issue with opposing counsel. After filing the complaint earlier today, I emailed the Attorney General's office to confirm the attorney

assigned to the case and set a telephone conference to discuss an expedited schedule. As expected, Special Litigation Chief Margaret Paton-Walsh is assigned, but she confirmed that Defendants see no reason to expedite this case. A true and correct copy of our email exchange is attached as Exhibit 1.

4) Every other elections case that I am aware of has had an expedited schedule, including the initiative ballot case, *Alaskans for Better Elections v. Kevin Meyer, Lieutenant Governor of the State of Alaska, and the State of Alaska, Division of Elections*, case no. 3AN-19-09704CI, that we just litigated against Ms. Paton-Walsh.

5) 46,405 qualified Alaskans signed a valid recall petition that the Defendants unlawfully denied. The citizens have a right to begin collecting signatures for the next round, and to have the recall election scheduled 60 to 90 days of the next round of signatures being validated. Plaintiff expects it could have submitted sufficient signatures by the end of this year if the petition had not been unlawfully denied. This would have resulted in a recall election in early spring, during the legislative session. Alaskans have a right to have a different governor address the legislature's budget and other legislation proposed during this upcoming session. This is still possible with an expedited schedule.

6) Every day that goes by denies the citizens of Alaska the opportunity to lawfully exercise their right to a recall petition guaranteed by article XI, section 8 of the Alaska Constitution.

7) There are only legal issues for this court to resolve, and cross-motions for summary judgment are anticipated.

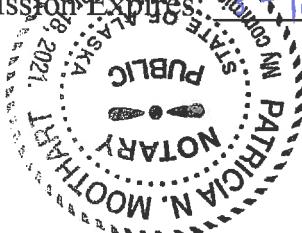
8) There is no legitimate reason for delay.

FURTHER AFFIANT SAYETH NAUGHT.

Jahna M. Lindemuth

SUBSCRIBED AND SWORN to before me this 5th day of November 2019.

Notary Public in and for ASIA
My Commission Expires: 18-21



CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of November 2019, a true and correct copy of the foregoing was sent to the following via hand delivery and e-mail:

Clyde "Ed" Sniffen
Attorney General's Office
1031 W. 4th Avenue, Suite 200
Anchorage, AK 99501
ed.sniffen@alaska.gov

Margaret Paton-Walsh
Attorney General's Office
1031 W. 4th Avenue, Suite 200
Anchorage, AK 99501
margaret.paton-walsh@alaska.gov

Mackenzie Milliken
Mackenzie Milliken

Affidavit of Counsel

Recall Dunleavy v. State of Alaska, Division of Elections, et al.
Case No. 3AN-19-10903CI

Jahna Lindemuth

From: Paton-Walsh, Margaret A (LAW) <margaret.paton-walsh@alaska.gov>
Sent: Tuesday, November 5, 2019 1:27 PM
To: Jahna Lindemuth; Sniffen, Clyde E (LAW); Grace, Joanne M (LAW); Mills, Cori M (LAW)
Cc: Scott Kendall
Subject: RE: Recall Case

Jahna,

Thanks for providing a copy of the complaint. We do not see the need to expedite this matter, so you will need to move the court for expedited consideration.

Mags Paton Walsh
Chief Assistant Attorney General
Special Litigation Section

From: Jahna Lindemuth <JLindemuth@hwb-law.com>
Sent: Tuesday, November 05, 2019 11:41 AM
To: Sniffen, Clyde E (LAW) <ed.sniffen@alaska.gov>; Paton-Walsh, Margaret A (LAW) <margaret.paton-walsh@alaska.gov>; Grace, Joanne M (LAW) <joanne.grace@alaska.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>
Cc: Scott Kendall <SMKendall@hwb-law.com>
Subject: Recall Case

All-

- We filed the attached complaint this morning. We'd like to confer this afternoon about expediting this case. I understand Cori is out of town. Is Mags the appropriate person with whom to discuss scheduling? If we can't reach an agreed schedule this afternoon, we do intend to move for expedited consideration in the morning.

Thanks in advance.

Jahna Lindemuth
Holmes Weddle & Barcott, PC
701 W. 8th Avenue, #700
Anchorage, AK 99501
Direct: (907) 222-8412
Firm: (907) 274-0666

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